



700 Kipling Street, Suite 4000
Lakewood, CO 80215-8000
303-239-4100 ♦ Fax 303-239-4125
www.colorado.gov/ag

John R. Stulp, Commissioner



Bill Ritter, Jr.
Governor

HB 1124 White Paper

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Colorado Department of Agriculture's Bureau of Animal Protection (BAP) Overview:

- The BAP commissions Animal Control Officers (ACO's) in their respective jurisdictions and grants limited authority to enforce certain state statutes. i.e. animal cruelty/neglect, dangerous dog, animal fighting, etc.
- BAP agents do over 12,000 cruelty/neglect investigations per year. Source: CDA/BAP
- < 1% of all investigations involve livestock (excluding horses), few if any involve agricultural operations. Source: CDA/BAP
- In areas where the BAP has no agents, the CDA (BAP at the state level) assists local law enforcement with technical, logistical support, veterinary opinion, as well as expert testimony as a free service.
- BAP policy is to have agents in their jurisdiction do neglect investigations on pet animals as well as livestock not used for agricultural purposes. BAP agents (that are not employees of the Department) have no authority to investigate livestock used in the production of food/fiber.
- Financial burdens for animal investigations at the local level may impact decisions with regard to requesting BAP commissions.

Section 3

Grants a waiver of bond payment for indigent owners, requires bond payments to be refunded if the owner is not convicted of the charge of animal cruelty, applies the rules of civil procedure to a criminal statute.

- The purpose of the bond is to enable the investigating agency to remove animals from dangerous situations and place them in protective care until such time that a court decides the outcome of the charges.
- The intent of the statute was to limit monetary liability of care and provision of animals impounded under title 18 or 35 to a period of 10 days.
- These changes to the animal bonding statute add undue risk to impounding agencies. Without this protection, agencies may not investigate or impound animals which may cause undue animal suffering.
- Financial liability in a single case involving a large number of animals could rise into the tens of thousands of dollars for the impounding agency and a net loss for those shelters and rescues which house the animals.
- Mixing civil procedure and a criminal hearing process would be very confusing and it is unclear how rules of civil procedure would apply to criminal statutes.

Additional Information about the Bureau of Animal Protection

- The BAP commissions Animal Control Officers (ACO's) in their respective jurisdictions and grants limited authority to enforce certain state statutes. i.e. animal cruelty/neglect, dangerous dog, animal fighting, etc.
- Commissions are granted by the Commissioner of Agriculture through an application process. Applications are received and reviewed by the Bureau of Animal Protection, signed, then presented to the Agriculture Commission for review and confirmation. The Agriculture Commission has the ability to vote up or down on each application.
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